

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTIAN S. THOMAS, Petitioner,	:	CIVIL ACTION NO. 10-4537
v.	:	
COMMONWEALTH OF PENNSYLVANIA, et al., Respondents.	:	
	:	

**O R D E R**

AND NOW, this 21<sup>st</sup> day of December 2012, upon careful and independent consideration of the Petition for Writ of Habeas Corpus [Doc. No. 6] and Petitioner's Supplemental Brief, all responses thereto, the state court record, and upon review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice [Doc. No. 25], to which Plaintiff objected on one ground, and for the reasons set forth in the accompanying memorandum opinion, it is hereby **ORDERED** that:

1. The Report and Recommendation [Doc. No. 25] is **APPROVED and ADOPTED**;
2. The Petition for Writ of Habeas Corpus is **GRANTED**;
3. This matter is **REMANDED** to the Court of Common Pleas of Lancaster County, where Petitioner's sentences, imposed on May 28, 2002 and June 6, 2003, shall be **VACATED** and, within 180 days of the date of this Order, Petitioner shall be resentenced consistent with this opinion and Graham v. Florida;<sup>1</sup>
4. There is no probable cause to issue a certificate of appealability; and
5. The Clerk of Court is **DIRECTED** to mark this case **CLOSED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ **Cynthia M. Rufe**

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**CYNTHIA M. RUFÉ, J.**

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<sup>1</sup> 130 S. Ct. 2011 (2010).

